



UNIVERSAL PERIODIC REVIEW – FOURTH CYCLE

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NAURU

The Center for Family and Human Rights (C-Fam) is a nongovernmental organization that was founded in 1997 and has held Special Consultative Status with the UN Economic and Social Council since 2014. We are headquartered in New York and Washington, D.C., and are a nonprofit, nonpartisan research and advocacy organization that is dedicated to reestablishing a proper understanding of international law, protecting national sovereignty and the dignity of the human person.

INTRODUCTION

1. In 2020, the ministers and high representatives of 34 countries met to launch the Geneva Consensus Declaration (GCD), in which they committed to promoting four objectives: improve women’s health, protect human life, strengthen the family as the basic unit of society, and defend the sovereignty of nations concerning their laws and policies to protect life.¹ Nauru was one of the original signatories of the GCD. This report focuses on Nauru’s fulfillment of its commitments to human rights in the context of the four pillars of the GCD.²

THE GENEVA CONSENSUS DECLARATION

2. The language of the GCD is drawn exclusively from documents agreed by consensus, including core UN human rights treaties, the founding documents of the UN such as the Universal Declaration of Human Rights (UDHR), and major meeting outcomes such as the Beijing Declaration and Platform for Action and the Programme of Action of the International Conference on Population Development.

PROTECTING MATERNAL HEALTH

3. At the 1994 International Conference on Population and Development (ICPD), nations pledged “to enable women to go safely through pregnancy and childbirth and provide couples with the best chance of having a healthy infant.”³ The unique and essential role of women as mothers was recognized in the Beijing Declaration and Platform for Action adopted at the 1995 UN Fourth World Conference on Women.⁴ Both of these landmark conferences, as well as the subsequent Millennium Development Goals and Sustainable Development Goals, include commitments to reduce maternal and child mortality, and while significant progress has been made around the world, critical gaps remain, especially for those in the poorest, most remote, and resource-deprived areas.
4. Based on maternal mortality estimates by the World Bank Group, “[t]he maternal mortality ratio in Nauru has worsened from 191 in 2000 to 273 in 2023,” a rate that is above the regional average.⁵
5. As a remote island in the Pacific region, Nauru continues to experience limitations in health care delivery, including when it comes to prevention, mitigation, and treatment of diseases affecting pregnant women. When it comes to urgent care for pregnancy complications, “[t]he country's geographic isolation creates significant challenges for emergency obstetric care, with complex cases requiring evacuation to Australia, often with delays due to limited flight availability.”⁶
6. Nauru’s rate of non-communicable diseases is exceptionally high, facing “the world’s highest per capita level of obesity, and second-highest diabetes prevalence. Limited healthcare capacity, poor diet stemming from a reliance on imported processed foods and socioeconomic barriers have helped drive these poor health outcomes.”⁷

Noncommunicable diseases affect a large proportion of pregnancies in Nauru, “with approximately 40% of pregnant women experiencing gestational diabetes, among the world's highest rates, reflecting the country's 94% adult overweight/obesity rate.” Nauru also struggles with ensuring access to key medical supplies and equipment and retaining medical professionals, “often relying on expatriate professionals on short-term contracts, creating continuity of care issues.”⁸

7. While Nauru remains off track for meeting its target under the Sustainable Development Goals,⁹ it can achieve significant improvements in maternal health by addressing non-communicable diseases and strengthening the healthcare infrastructure and workforce needed to treat obstetric emergencies, while also continuing to use its laws to protect the lives of the unborn.

PROTECTING HUMAN LIFE

8. According to Section 68 of Nauru’s Crimes Act of 2016, abortion is outlawed unless to save the life of the mother.¹⁰ Nauru’s social and cultural opposition to abortion is in line with the 1994 International Conference on Population and Development (ICPD) flagging the importance of mitigating the harmful effects of abortion on women while asserting that “any measures or changes related to abortion within the health system can only be determined at the national or local level according to the national legislative process.”¹¹
9. In its previous UPR sessions, Nauru has not received any recommendations urging liberalization of its abortion laws.
10. Abortion is not an international human right and therefore maintaining legislation that protects unborn life and rejecting any pressure to legalize abortion is consistent with the scope of internationally agreed human rights standards and obligations.

SUPPORT FOR THE FAMILY

11. The GCD reaffirms the obligations of States regarding the family enshrined in international law, including the definition of the family as “the natural and fundamental group unit of society” and the recognition that it is “entitled to protection by society and the State.” Signatories to the GCD further committed to “support the role of the family as foundational to society and as a source of health, support, and care.”¹²
12. In Nauru, there is no recognition of same-sex marriage. This position of Nauru reflects the fact that same-sex marriage is not a subject on which global consensus exists; nor is it included as a right in any binding international legal instrument to which Nauru is a party. As summarized in the Family Articles, a project of the coalition Civil Society for the Family, the right to create a family is based on the union of a man and a woman, and “Relations between individuals of the same sex and other social and legal arrangements that are neither equivalent nor analogous to the family are not entitled to the protections singularly reserved for the family in international law and policy.”¹³

13. In its first Universal Periodic Review, Nauru received several recommendations to decriminalize homosexual behavior, include sexual orientation and gender identity as grounds for non-discrimination, all of which were marked as “supported.” Nauru decriminalized homosexual behavior in 2016, but has not changed its non-discrimination laws. In its second and third UPR cycles, Nauru received more similar recommendations, including recommendations to legally recognize same-sex couples, but all of these were marked as “noted.” Even if Nauru intended to decriminalize homosexuality, marking recommendations to do so as “noted” is consistent with the fact that this is a decision being undertaken by a sovereign nation of its own accord, and not an existing international human rights standard.
14. All human beings possess the same fundamental human rights by their inherent dignity and worth, including the right to equal protection of the law without any discrimination.¹⁴ Individuals who identify as lesbian, gay, bisexual, transgender, queer, etc., are protected from violence and discrimination to the same extent as any individual under the equal protection principle in human rights law. However, they are not entitled to special protections based on their sexual preferences and subjective gender identity as such.

NATIONAL SOVEREIGNTY

15. The legal status of abortion and the protection of the unborn, it is a matter of longstanding consensus that “each nation has the sovereign right to implement programs and activities consistent with their laws and policies.” However, opposition to this sovereign right of countries has become increasingly commonplace in those parts of the United Nations system governed more by expert opinion or bureaucratic oversight than by the standard of negotiated consensus. There is no global mandate to pressure countries to liberalize their abortion laws or expand the categories for non-discrimination as a matter of international human rights law concerning, for example, sexual orientation or gender identity, and to the extent that mandate-holders engage in such behavior, they do so *ultra vires*.
16. Nevertheless, the frequency of such pressure has only increased toward countries whose laws restrict abortion to protect the unborn, or which maintain a traditional view of marriage and the family, in line with the human rights obligations expressed in the binding treaties they have ratified. Such nonbinding opinions have been elevated in many parts of the UN, although they have never been accepted nor adopted by consensus in the General Assembly.
17. Unlike other UN human rights mechanisms, the UPR provides a space for sovereign nations to speak to each other and provide encouragement to fulfill their human rights obligations. To the extent that this venue has been used to exert further pressure on countries to liberalize their abortion laws or redefine the family as a matter of national law and policy, global consensus on these matters must be upheld and promoted in the UPR as well.

CONCLUDING RECOMMENDATIONS

18. We encourage Nauru to continue protecting the natural family and marriage, formed by a husband and a wife, as the fundamental unit of society.
19. Nauru should continue to improve maternal and child health outcomes, including by ensuring adequate and affordable maternal health care, with special attention to addressing non-communicable diseases, such as obesity and diabetes. Nauru should continue to expand programs aimed at improving maternal nutrition and screening for and managing diabetes during pregnancy. Following Nauru's commitments to protect life in the womb, this does not require the inclusion of abortion in essential health services.
20. Nauru should continue to assert the fact that abortion is not a human right in the context of multilateral negotiations, as well as in the Universal Periodic Review, following the Geneva Consensus Declaration, and call on its fellow signatories to do likewise.
21. We encourage Nauru to continue protecting the natural family and marriage, formed by a husband and a wife, as the fundamental unit of society.

¹ Geneva Consensus Declaration on Promoting Women's Health and Strengthening the Family, 2020. Available at <https://undocs.org/en/A/75/626>

² Geneva Consensus Declaration on Promoting Women's Health and Strengthening the Family, 2020. Available at <https://undocs.org/en/A/75/626>

³ United Nations International Conference on Population and Development. (1994). "Programme of Action of the International Conference on Population Development," Cairo.

⁴ United Nations Fourth World Conference on Women. (1995). "Beijing Declaration and Platform for Action" (Annex II, Paragraph 29). Beijing.

⁵ <https://genderdata.worldbank.org/en/economies/nauru>

⁶ <https://healthynewbornnetwork.org/country/nauru/>

⁷ https://minio.uninfo.org/uninfo-production-main/f4a8c115-7b2c-480e-a9d9-e6fedac4d635_NAUCCA2024.pdf

⁸ <https://healthynewbornnetwork.org/country/nauru/>

⁹ Sustainable Development Report 2021. Available at <https://dashboards.sdgindex.org/profiles/nauru>

¹⁰ [https://database.ilga.org/api/downloader/download/1/NR%20-%20LEG%20-%20Crimes%20Act%20\(2016\)%20-%20OR-OFF\(en\).pdf](https://database.ilga.org/api/downloader/download/1/NR%20-%20LEG%20-%20Crimes%20Act%20(2016)%20-%20OR-OFF(en).pdf)

¹¹ United Nations International Conference on Population and Development, *ibid.*

¹² Geneva Consensus Declaration, *ibid.*

¹³ Civil Society for the Family. The Family Articles. Available at <https://civilsocietyforthefamily.org/>

¹⁴ United Nations. Universal Declaration of Human Rights. 1948. Available at <https://www.un.org/en/about-us/universal-declaration-of-human-rights>